

EXHIBIT 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK: PART 48

IN RE: OPIOID LITIGATION

INDEX NO.: 400000/2017

August 18, 2020
Central Islip, New York

MINUTES OF FRYE HEARING
(Testimony of James Rafalski)

B E F O R E: HON. JERRY GARGUILO
Supreme Court Justice

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2 everything, just like drawing back to my experience
3 with the DEA.

4 Q. I'm going to try to simplify my question
5 because I think we're talking past each other.

6 Is there any analysis you've undertaken
7 in your opinions or report that you were asked to
8 undertake by the lawyers?

9 A No, sir.

10 Q. And is there any opinion you reached
11 without specifically being asked by the lawyers to
12 reach an opinion on that subject? Yes or no.

13 THE COURT: Just yes or no,

14 Mr. Rafalski.

15 THE WITNESS: No. I'm just thinking
16 about it. Sorry, your Honor. No, no, I
17 don't think there is.

18 BY MR. SCHMIDT:

19 Q. Is there any -- and I'm going to flag
20 this one for the Court and for Ms. Conroy, because I
21 don't think it runs afoul of the objection that was
22 made yesterday, but I want to give that courtesy.

23 Is there any analysis you did in your
24 report entirely independently without taking
25 something that was first prepared by someone like

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2 Q. And that is consistent with what you did
3 at DEA, you would look to the metrics or the formula
4 or the algorithm?

5 THE COURT: Time out.

6 Is this a consistent method you employed
7 while at the DEA; yes or no?

8 THE WITNESS: Yes.

9 THE COURT: Okay. There's five metrics
10 here. When do you decide which one to use or
11 do you use more than one or do they prove
12 each other?

13 THE WITNESS: Typically at DEA, your
14 Honor, generally you would apply the metric
15 for that particular company. You apply their
16 own formula to see if they were following
17 their own system to identify orders.

18 In this case -- go ahead, I'm sorry,
19 your Honor.

20 THE COURT: So you're telling me each --
21 are you telling me that in this case and only
22 this case, each company applies one of these
23 five metrics or are there more metric out
24 there?

25 THE WITNESS: There's an unlimited